

Remarks

1. Summary of the Office Action

In the Office Action mailed February 20, 2007, the Examiner rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0183045 A1 (Emmerson et al.), and rejected claims 14-22 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Emmerson et al. and U.S. Patent Application Publication No. 2004/0034853 (Gibbons et al.).

2. Amendments and Pending Claims

Applicant has amended the specification by (i) providing a replacement paragraph to correct a typographical error, and (ii) providing a new section heading and new paragraph. Support for the new paragraph is located in original claims 12 and 14-15.

Applicant has amended claims 1, 7, 12, 16, and 21, cancelled claims 14-15 and 17, and added new claims 23-24. Claims 1-13, 16, and 18-24 are presently pending in this application. Claims 1 and 12 are independent.

Support for the amendments to claims 1 and 12 is located in the specification at page 46, Table 1; page 48, line 12; page 49, lines 3-12; and original claims 14-15.

3. Payment of Fees

Applicant believes that no additional fee is required. However, should any additional fee(s) under 37 C.F.R. §§ 1.16-1.17 be required, the Patent Office is hereby authorized to charge such fee(s) to Deposit Account No. 210765.

4. Response to the Claim Rejections

The Examiner rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0183045 A1 (Emmerson et al.). Applicant has

amended claim 1 based on elements recited in claim 17, and amended claim 12 based on elements recited in claims 14-15. The Examiner rejected claims 14-15 and 17, as well as claims 16 and 18-22, under 35 U.S.C. § 103(a) as being unpatentable over the combination of Emmerson et al. and Gibbons et al. According to M.P.E.P. §2143, in order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the combination must disclose or suggest all of the claim limitations. Amended claims 1 and 12 clearly distinguish over the combination of Emmerson et al. and Gibbons et al., because the combination of Emmerson et al. and Gibbons et al. fails to disclose or suggest all of the limitations of either of these claims.

With respect to claim 1, the combination of Emmerson et al. and Gibbons et al. fails to disclose or suggest processing the generic content descriptor file so as to determine that the mobile information device ***does not include*** the specified application that handles the non-Java content, and thereafter, ***presenting a user of the mobile information device with an option to download the specified application that handles the non-Java content.***

At best, the combination of Emmerson et al. and Gibbons et al. teaches: (i) users of mobile devices manually inspect applications before they are downloaded to determine whether the functionality required by the application is supported in the user's device, and (ii) a phone will download via a browser and accordingly may present a user with a series of choices as to which version or level (e.g., L1, L2, or L3 of an electronic game) the user would like to download. (See, e.g., Gibbons et al., paragraph 0035, and Emmerson et al., paragraphs 0023 and 0029).

Applicant submits, however, that the portion of Emmerson et al. and Gibbons et al. that teaches users of mobile devices manually inspect applications before they are downloaded to

determine whether the functionality required by the application is supported in the user's device, does not teach or suggest processing the generic content descriptor file so as to determine that the mobile information device ***does not include*** the specified application that handles the non-Java content for at least the reasons that (i) determining whether a device supports functionality required by an application does not amount to determining that a device ***does not include*** an application registered to handle non-Java content, and (ii) a mobile device user manually inspecting an application does not amount to processing the generic content descriptor file so as to determine that the mobile information device ***does not include*** the specified application that handles the non-Java content.

Applicant also submits that the portion of Emmerson et al. and Gibbons et al. that teaches downloading via a browser and accordingly presenting a user with a series of choices as to which version or level (e.g., L1, L2, or L3 of an electronic game) the user would like to download, does not teach or suggest ***presenting a user of the mobile information device with an option to download the specified application that handles the non-Java content*** for at least the reason that this portion of the combination of Emmerson et al. and Gibbons et al. does not teach or suggest that the version or level of an electronic game the user would like to download is an application that handles non-Java content or an application specified in a generic content descriptor file.

As indicated above, claim 1 has been amended to include elements based on elements recited in claim 17. In rejecting claim 17, the Examiner indicated that Emmerson et al. discloses downloading content and that this content would be construed as non-Java content since Emmerson et al. does not specify the content to be Java content. The Examiner cited to Emmerson et al., paragraphs 0016 and 0023, to support the rejection of claim 17.

At best, the portion of Emmerson et al. relied on by the Examiner to reject claim 17 teaches: (i) a server holds content for downloading and an end user's mobile phone is able to download the content, (ii) the end user mobile phone terminal, which through an operator network having an operator server can access the mobile phone manufacturer's server having a memory containing downloadable files corresponding to new levels and/or versions (L1, L2, L3) of a particular electronic game, and (iii) when the user selects an "On-line" menu item, software functions to launch the mobile phone's browser and load into it a predetermined URL identification, thus automatically activating a connection to that addressed URL in order to send a download request to the server. (See, e.g., Emmerson et al., paragraphs 0016 and 0023).

Although the portion of Emmerson et al. relied on by the Examiner to reject claim 17 teaches that an end user's mobile phone is able to download content (such as new levels and/or versions of an electronic game), and a browser can activate a connection to a URL in order to send a download request, that portion of Emmerson et al. does not teach or suggest processing the generic content descriptor file so as to determine that the mobile information device ***does not include*** the specified application that handles the non-Java content, and thereafter, ***presenting a user of the mobile information*** device with an option to download the specified application that handles the non-Java content, as recited in amended claim 1.

Next, with respect to claim 12, the combination of Emmerson et al. and Gibbons et al. fails to disclose or suggest a generic content descriptor file including ***an identifier specifying an application that handles the MIME type of the non-Java content.***

With regard to this element of claim 12, at best, the combination of Emmerson et al. and Gibbons et al. teaches (i) an HTTP header may indicate, ***through use of a specific mime type*** in a form such as "Content-Type: application/X-NokiaGameData," the type of data that is being

downloaded, and (ii) attributes of icon elements include a URI locating an image for representing a Download Object, and a ***MIME-type*** for defining the image type. (See, e.g., Emmerson et al. paragraph 0033, and Gibbons et al. paragraph 0070). (Emphasis added).

Applicant submits, however, that these portions of the combination of Emmerson et al. and Gibbons et al. do not teach or suggest ***an identifier specifying an application that handles the MIME type of the non-Java content***, for at least the reasons that these portions of the combination do not teach or suggest that (i) the HTTP header, mime type or data being downloaded is an application that handles a MIME type of non-Java content, or (ii) the attributes of icon elements, the URI locating an image for representing a Download Object (DO), or the MIME type defining an image type is an application that handles a MIME type of non-Java content.

Further, with respect to claim 12, the combination of Emmerson et al. and Gibbons et al. fails to disclose or suggest: processing the generic content descriptor file so as to determine that the mobile information device ***does not include an application for handling the MIME type of the non-Java content***. Rather, at best, the combination of Emmerson et al. and Gibbons et al. teaches: (i) a ***mime type*** is used advantageously for any number of games which the mobile phone's game engine may support, by removing the need to define a new ***mime type*** for each game, (ii) a games download data file is recognized by a browser by the ***mime type*** (e.g., application/x-Nokia-GameData) and can be passed first to the game engine and then by the game engine to the specific game for security and authentication checks, (iii) an Application Download Protocol (ADP) operates through a ***MIME-capable transport*** (e.g., HTTP 1.1., WSP and Wireless Profiled HTTP) in order to communicate information over a communications network, and (iv) attributes of icon elements include a URI locating an image for representing a DO, and a

MIME-type for defining the image type. (See, e.g., Emmerson et al. paragraphs 0033 and 0035, and Gibbons et al. paragraphs 0051 and 0070). (Emphasis added).

Applicant submits, however, that these portions of the combination of Emmerson et al. and Gibbons et al. do not teach or suggest processing the generic content descriptor file so as to determine that the mobile information device ***does not include an application for handling the MIME type of the non-Java content***, for at least the reason that these portions of the combination merely teach using a mime type for games which a game engine supports, a browser recognizing a games download file by a mime type and passing the games download file to a game engine, operating a MIME-capable transport, and a MIME-type for defining an image type.

As indicated above, claim 12 has been amended to include elements based on elements recited in claim 14. In rejecting claim 14, the Examiner indicated Emmerson et al. does not expressly disclose, wherein the non-Java content includes a MIME type, and wherein processing the generic content descriptor file includes determining whether the mobile information device includes an application registered to handle the MIME type. Instead the Examiner relied on Gibbons et al. for teaching a MIME-capable transport able to communication information over a HTTP 1.1, WSP, and Wireless Profiled HTTP. The Examiner cited to Gibbons et al. paragraph 0051. Although this paragraph of Gibbons et al. teaches an ADP operates through a MIME-capable transport in order to communicate information over a communication network, Applicant submits that this paragraph of Gibbons et al. does not teach or suggest processing a generic content descriptor file so as to determine that the mobile information device ***does not include an application for handling the MIME type of the non-Java content***, and (ii) ***offering a user of the mobile information device an option to download the specified application that handles the MIME type of the non-Java content***, as recited in amended claim 12.

As indicated above, claim 12 has been amended to include elements based on elements recited in claim 15. In rejecting claim 15, the Examiner indicated Gibbons et al., paragraph 0070, discloses being able to locate a MIME type. On the contrary, this paragraph of Gibbons et al. teaches icon elements that include *a URI locating an image* for representing a Download Object (DO), and *a MIME-type for defining the image type*. Applicant submits that this paragraph of Gibbons et al. does not teach or suggest processing a generic content descriptor file so as to determine that the mobile information device *does not include an application for handling the MIME type of the non-Java content*, and (ii) *offering a user of the mobile information device an option to download the specified application that handles the MIME type of the non-Java content*, as recited in amended claim 12.

Additionally, without conceding the assertions made by the Examiner regarding dependent claims 2-11, 13, 16, and 18-22, Applicant submits that dependent claims 2-11, 13, 16, and 18-22 are allowable for at least the reason that they depend from one of allowable claims 1 or 12. Further still, Applicant submits that new claims 23-24 are allowable for at least the reason that they depend from one of allowable claims 1 or 12.

5. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-13, 16, and 18-24 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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